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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,296	10/31/2003	Valerio Giordano Riello	61487-60003	9876

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,296

Applicant(s)

RIELLO, VALERIO GIORDANO

Examiner

John K. Ford

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/05
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Applicant's response of March 15, 2005 has been carefully considered. Pursuant to applicant's request the Examiner acknowledges a claim for foreign priority under 35 U.S.C. 119 and the submission of a certified copy.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 11-12, it claims that the cooling module (2) comprises a three-way valve V1. In Figure 1, the three-way valve is not shown as part of the cooling module but appears to be located outside of it. The Examiner would suggest changing "cooling module" at that location to - - air-conditioning system - - to remedy this problem. This particular rejection was not addressed in applicant's March 15, 2005 response.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of EP 0,508,245 and EP 0,468,318.

EP '245, invented by applicant, appears to show all of the claimed elements in the cover figure. Fan convectors are shown at 32 and a single hydraulic circuit is comprised of intake tube 6 and return tube 5. An accumulator (storage reservoir) is shown at "0" (sic, 10). A three-way valve, as claimed, is shown at V3. The outlet of valve V3 is connected to the intake tube 6 (through the accumulator). A circulation pump P2 is shown. The only difference between what is currently claimed and what is disclosed by EP '245 is that the storage reservoir is downstream of the pump P2 rather than upstream of it, as claimed here.

EP '318 teaches, in the same type of system as disclosed in EP '245, placing a storage reservoir 8 upstream of the pump P1. That is all that EP '318 is relied upon to show and teach.

To have moved the storage reservoir of EP '245 from its disclosed location to a location upstream of pump P2 (in the area between the "Tee" connection of conduits 5 and 7 and Pump P2) in EP '245, to advantageously assure the pump P2 an adequate supply of fluid would have been obvious to one of ordinary skill in the art, in view of the showing of EP '318 (which teaches placing the storage reservoir upstream of the pump).

Regarding claims 2 and 4, see the description of controller 16 in EP '245, incorporated here by reference.

Applicant's comments on page 8 of the March 15, 2005 amendment are not persuasive. The outlet of three-way valve of EP '245 is connected to the intake tube of the single hydraulic circuit, applicant's comments to the contrary notwithstanding. The

other connections of valve V3 to the other components specified in the claims are also disclosed, applicant's comments to the contrary notwithstanding. Applicant's comments with respect to EP '318 dwell on portions of the disclosure irrelevant to what the Examiner relied upon it to teach and are, consequently, unpersuasive.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1-5 above, and further in view of Warnke USP 5,244,037.

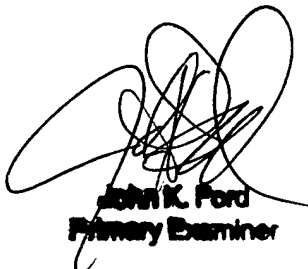
Warnke reinforces the above rejection by teaching a liquid reservoir 16 in a return line 32 and a pump 40 drawing liquid from the reservoir and propelling it to the conditioning unit 14. The advantages of such a configuration are taught throughout the Warnke disclosure including easy servicing, filling and purging etc. To have added a storage reservoir immediately upstream of pump P2 (in the area between the "Tee" connection of conduits 5 and 7 and pump P2) in EP '245 as taught by Warnke, which teaches the enumerated additional advantages of such a configuration, would have been obvious to one of ordinary skill in the art regardless of whether or not reservoir "O" of EP '245 was moved from its disclosed location.

Applicant's comments on page 9 of the March 15, 2005 amendment are not persuasive because they simply enumerate elements not found in Warnke that are clearly shown in EP '245. Under 35 USC 103, the rejection is based on the collective teachings of the prior art, not on what any one reference teaches in isolation.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford
Primary Examiner